

# AFFIDAVIT AND DECLARATION OF FACTS

## OF "NOTICE OF DEFAULT AND DEMAND" THAT YOU FILE YOUR "PROOF OF CLAIM" OR "RELEASE OF CLAIM"

I, Karie A. Simmons, residing at 11127 NE 162<sup>nd</sup> St., Bothell, WA, herein referred to as and incorporated into this Affidavit as, "Affiant", does solemnly affirm, declare to the best of her abilities, verify, and state as follows:

1. Affiant is competent to state the matters set forth herein, and;
2. Affiant has first-hand personal knowledge of the facts stated herein, and;
3. Affiant states that all the facts stated herein are true, correct, and complete to the best of my knowledge of the information that is stated in my **NOTICE OF DEFAULT AND DEMAND" THAT YOU FILE YOUR "PROOF OF CLAIM" OR "RELEASE OF CLAIM"** that I authored on April 8<sup>th</sup> /2022. If called upon as a witness, Affiant will testify to the veracity of my personal understandings and reasons for the drafting of this document.

4. Affiant has acted in "Good Faith and in Honor" by sending **PHH MORTGAGE** a lawful copy of the document identified in paragraph above, to allow them to have the time that they need to File their "Proof of Claim" or "Release of Claim" in my Bankruptcy Case No. 2210270. I have also given the Bank a detailed outline of information and the evidence that they will need to produce and attach to their "Proof of Claim" or "Release of Claim", in order to substantiate their claim and to provide the necessary lawful elements for them to provide a **"Valid Proof of Claim"** within my instant Bankruptcy Case.

**FILED**  
**Western District of Washington**  
**at Seattle**

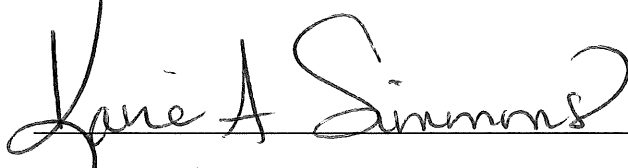
APR 11 2022

FURTHER AFFIANT SAYETH NAUGHT.

**MARK L. HATCHER, CLERK**  
**OF THE BANKRUPTCY COURT**

Under the PENALTY OF PERJURY, under the laws of the State of Washington, I certify that this **"AFFIDAVIT AND DECLARATION OF FACTS"**, identified above, is true and correct, and that my 3-page Letter that I drafted entitled **"NOTICE OF DEFAULT AND DEMAND" THAT YOU FILE YOUR "PROOF OF CLAIM" OR "RELEASE OF CLAIM"** is to the best of my

understanding and knowledge done in Good Faith. I have sent this Affidavit and my **NOTICE OF DEFAULT AND DEMAND** letter to provide **PHH MORTGAGE** with a detailed outline of the necessary lawful elements that they will need, in order to substantiate their “Proof of Claim” or their “Release of Claim”, within my instant Bankruptcy Case.

 Date 4/8/22

Karie A. Simmons

**Exhibit A** enclosed: 3-page Letter from Karie A. Simmons that was sent via REGISTERED Mail to **PHH MORTGAGE.**

## **EXHIBIT A**

IN THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE CHAPTER 13 BANKRUPTCY

Date April 8<sup>th</sup>, 2022

Case no. 2210270

Karie A. Simmons  
11127 NE 162<sup>ND</sup> St.  
Bothell, WA 98011

Plaintiff,

vs.

PHH MORTGAGE  
1 Mortgage Way  
Mt. Laurel, NJ 08054  
Defendant,

NOTICE OF DEFAULT AND DEMAND  
THAT YOU FILE YOUR “PROOF OF  
CLAIM” OR “RELEASE OF CLAIM”

**REGISTERED MAIL NO.**  
\_\_\_\_\_

**NOTICE OF DEFAULT AND DEMAND THAT YOU  
FILE YOUR “PROOF OF CLAIM” OR “RELEASE OF CLAIM”**

Reference TIN# 22-2195996

Account No. 7131401882

Plaintiff, Karie A. Simmons, does hereby “*lawfully notice*” PHH MORTGAGE that you failed to file your “**Proof of Claim**” in the above listed Bankruptcy Case. You also failed to show up at your 341 Creditors Meeting on April 4, 2022. Further, you were lawfully **put on Notice of this Pending Case** via a Certified Letter, that I previously sent you marked, Exhibit A in this letter. This is your “**2<sup>nd</sup> Notice and Demand**”, to remind you that if you do have a lawful claim in this Bankruptcy Estate listed above, that you must immediately file your “**Proof of Claim**” within the next 10 days from the date of this Certified letter to secure your lien, encumbrance or your lawful interest in or on the property referenced in this Bankruptcy Case No.

2210270. **If you do not have a lawful or valid claim, then file a “RELEASE OF CLAIM” in the interest of the Plaintiff within this case.**

This documentation that is demanded is necessary in order to establish whether PHH MORTGAGE, does or does not have a lawful standing to bring forth remedies entitled to the Defendant in this instant Case. The Plaintiff in this instant case does hereby lawfully request the Defendant listed in this Case No. 2210270 to also **produce the following documents listed below in numbers 1-7.** These documents must be listed or attached to your **“PROOF OF CLAIM” as lawful evidence to verify and validate your claim. Failure to do so, in the time the law requires you to do so, could result in the Lawful discharge of your alleged debt that is listed on the previous debt related documents that you have sent me, and that I have personally filed in this Bankruptcy Case.**

This lawful action needs to be completed by you or your lawfully appointed legal representative immediately, within the next 10 days from the Date of this Notice, for the purpose of validation and verification of your alleged debt, encumbrance or interest in the real property noted above or your written and signed **“Release of Claim”** to this property and or estate.

1. **Produce** the **Original “WET INK” Signature Promissory note** signed by the Defendant Karie A. Simmons in association with the loan pursuant to USC Title 18, Part 1, Chapter 101 § 2071.

2. **Provide proof** that the Defendant is in fact the **Lawful Note Holder in Due Course**, and that PHH MORTGAGE has a **“lawful standing as a Party of Interest”** in the original Promissory Note. This is because the Plaintiff has reason to believe that the Defendant might have bought an interest in the alleged Promissory Note, under a Mortgage backed Securities Interest from another Mortgage Company, that the Defendant is not a lawful party to, or within, the original Promissory Note.

3. Defendant **“must stipulate to Plaintiff in this case via a Lawful Affidavit”** signed under the “Penalty of Perjury” by someone who can be lawfully subpoenaed, who is able to show **documented Proof and Bona Fided evidence** that the Defendant in this instant case is in fact a **“Lawful Secured Creditor of the original Loan/Security Instrument”**. In this case, a Lawful Secured Creditor needs to also show true double entry accounting of this debt as evidence of the transaction, within the original loan to the Plaintiff and the Bankruptcy Court, according to the Generally Accepted Accounting Principles. (GAAP)

4. If the **“Defendant is unable”** to or for whatever reason cannot produce a **Lawful “Proof of Claim”** that is signed under Penalty of Perjury, PHH MORTGAGE will be unable to have any Lawful standing in this instant Case, or any other future controversy or claim concerning this matter.


5. If the Defendant in this case is **“unable to produce”** a **“Lawful Proof of Claim”**, signed under the **Penalty of Perjury, then the Plaintiff in this Case, will pray to the Court and ask for an Order to have the Defendant’s Alleged Debt** discharged in favor of the

Plaintiff. Then Plaintiff will be free to seek whatever lawful remedies or resources that are due to the Plaintiff in this instant Case.

6. Defendant's **"failure to respond"** to this letter will be taken by the Plaintiff as a Dishonor, and that the Defendant is acting in Bad Faith in this matter. Further, Defendant's Silence will be used as evidence that Defendant has acquiesced in this matter, and it will be treated as an Administrative Default, per the Administrative Procedures Act of 1946. Further, if Defendant **"fails to respond"** within the time allowed in this Notice, Defendant's **"Alleged Secured Debt"** will have no legal standing in this instant Case before this Bankruptcy Court.

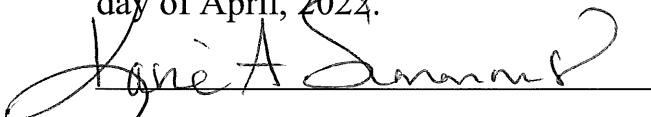
7. Defendant's **"failure to produce"** the **Original "WET INK" Signature on the Original Promissory note** will be taken by the Plaintiff as a Dishonor, and that the Defendant is acting in Bad Faith. Further, Defendant's Silence will be used as evidence that PHH MORTGAGE has acquiesced in this matter, and it will be treated as an **"Administrative Default"** as per the Administrative Procedures Act of 1946. In closing, Defendant's **"failure to produce"** the documentation requested in this Petition will become the evidence that the Defendant's Secured Creditor position in this matter, lacks the necessary lawful elements for a **"Valid Proof of Claim"**, and is therefore moot, and lawfully dischargeable within this instant Bankruptcy Case.

Sincerely,

 Date 4/8/22  
Karie A. Simmons, Plaintiff

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the previous three pages of this **NOTICE OF DEFAULT AND DEMAND THAT YOU FILE YOUR "PROOF OF CLAIM" OR "RELEASE OF CLAIM"** has been sent to PHH MORTGAGE by way of **REGISTERED MAIL** to Defendant's at their last known address: PHH MORTGAGE, 1 Mortgage Way, Mt. Laurel, NJ 08054 on this 8<sup>th</sup> day of April, 2022.

  
Karie A Simmons

  
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Witness

## **EXHIBIT A**